misrepresented or failed to disclose information material to our consideration of the waiver requested in Nextel's petition. Nextel's petition and supplemental filings fully comply with the informational requirements set forth in the CMRS First Report and Order. In its petition, Nextel states that Matsushita is a foreign entity that holds an equity interest in Nextel that does not exceed the Section 310(b)(3 benchmark. Nextel also disclosed that, based on that interest, Matsushita has the right to designate one member of Nextel's Board of Directors. Nextel also explains that, due to personnel changes in Matsushita, the individual serving as Matsushita's representative on Nextel's Board has changed subsequent to May 24, 1993. Lausman has failed to show how any of these disclosures are incomplete or misleading. The purported discrepancy between Nextel's waiver petition and its SEC filing is a minor difference in terminology that has not substantive significance.

18. In addition, we find that Nextel did not act improperly in identifying only those licenses held by Nextel (and not by its subsidiaries) for purposes of its waiver request. Nextel's waiver request is expressly limited to those licenses that it holds directly and which otherwise would be subject to Section 310(b)(3). Nextel was not required to identify its indirect interest in other licenses for which no waiver either was required or sought.

19. Finally, we do not believe the agreement with NTT makes Nextel ineligible for the relief it requested. While Lausman correctly observes that the statute prohibits increases in foreign ownership subsequent to May 24, 1993, we note that Nextel has not requested

such relief with respect to NTT's prospective interest. Instead, Nextel properly has taken separate steps to comply with the Section 310(b)(4) foreign ownership restrictions.

20. Accordingly, we grandfather all foreign ownership in Nextel that lawfully existed as of May 24, 1993, subject to the following conditions: (a) The extent of foreign ownership interest cannot be increased beyond May 24, 1993 levels; and (b) any subsequent transfers in violation of Section 310(b) are prohibited. As discussed *supra*, we construe the statute to extend the waiver to the acquisition of new licenses in services that Nextel provided as of May 24, 1993, so long as the same ownership structure remains in place.

21. We also grandfather Matsushita's designee on the Nextel Board of Directors, regardless of the fact that the identity of the individual serving as Matsushita's representative changed

after May 24, 1993. While the statute prohibits changes in the identity of foreign owners of grandfathered licensees, it does not expressly address the issue of directors. We further note that individual or corporate shareholders commonly seek to protect their investment by obtaining the right to nominate representatives to the board of directors. We conclude that in allowing foreign entities who held ownership interests in reclassified licensees prior to May 24, 1993 to retain those interests, Congress did not intend to deprive such entities of pre-existing rights to nominate members of the board of directors based on such ownership. So long as the entity controlling the directorship remains unchanged, we believe a change in the identity of the individual director is permissible. Accordingly, we conclude that Matsushita's corporate directorship interest should be grandfathered along with its ownership interest, and that the change in the identity of the individual serving as Matsushita's representative does not vitiate the waiver.

D. Waiver Request of Comcast

22. Comcast notes that the Commission previously has granted it a waiver of the foreign ownership restrictions to permit an Australian citizen to serve as an officer of the corporation. Nevertheless, Comcast requests a waiver to the extent necessary to allow this officer to remain once certain of its private land mobile subsidiaries are reclassified as CMRS providers.

23. The Bureau agrees with Comcast that the Commission's prior order allowing Comcast to have a foreign corporate officer under Section 310(b)(4) of the Act obviates the need for a separate, statutory waiver. In that Order, the Commission determined that the appointment of John Alchin, an Australian citizen, to the corporate officer of senior Vice President and Treasurer of Comcast would not adversely affect the public interest. The Commission subsequently has extended the scope of this waiver to permit Alchin to serve as an officer of any subsidiary of Comcast that directly or indirectly controls common carrier licensees but is not itself a common carrier licensee. Because the Commission has determined that Alchin's service as a corporate officer is in the public interest, and thereby has granted Comcast a waiver pursuant to Section 310(b)(4), the Bureau concludes that the additional waiver relief requested is unnecessary. Accordingly, Comcast's petition is dismissed as moot.

E. Other Waiver Requests

24. In responses to the Land Mobile and Microwave Division's May 24 supplemental information request, the remaining petitioners stated that, based on the Commission's rules, they would not be reclassified and thereby declined to certify that they would become CMRS licensees. Noting that the Commission has stated that "the filing of a [Section 310(b)] petition would not prejudice a licensee's future arguments as to whether it should be reclassified," these petitioners stated that, based on their current understanding of the Commission's rules, their radio operations are private. The petitioners nevertheless requested waiver of the foreign ownership restriction in the event that future Commission interpretations suggested they would be reclassified as CMRS providers. The petitioners otherwise failed to provide the information requested in the May 24

25. The Bureau declines to grant waivers to petitioners who have stated they will remain private mobile radio service providers. Under the Budget Act, waiver of the foreign ownership restrictions is only available to licensees that will be reclassified as CMRS. Because petitioners maintain that their radio operations remain private under the criteria set forth in the CMRS Second Report and Order, the relief requested neither is available nor required. Petitioners' argument that the CMRS First Report and Order affords the flexibility to obtain waiver relief in the future should the Commission clarify its CMRS definition is erroneous. Rather, the language cited by petitioners was intended to protect licensees that could not determine whether they would be reclassified until the CMRS Second Report and Order was released. Based on the standards set forth in the CMRS Second Report and Order, petitioners had sufficient information to determine whether they would be reclassified.

Ordering Clauses

26. Pursuant to our authority under 47 U.S.C. §§ 155(c)(1) and 332(c)(6), it is ordered that the requests for waiver filed by Geotek, MAP Mobile, Nextel, RACOM, and Uniden are hereby granted subject to the conditions described above.

27. It is further ordered That the waiver request filed by Pittencrieff is granted, provided that Pittencrieff certifies within 60 days after this Order is published in the **Federal Register** that (1) The identity of the foreign interest holders has not changed, and (2) the